

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

HASSAN CHUNN; NEHEMIAH McBRIDE;
AYMAN RABADI, by his Next Friend
MIGDALIZ QUINONES; JUSTIN RODRIGUEZ,
by his Next Friend JACKLYN ROMANOFF;
ELODIA LOPEZ; and JAMES HAIR,

individually and on behalf of all others similarly
situated,

Petitioners,

-against-

WARDEN DEREK EDGE,

Respondent.

No. 20 Civ. 1590

**DECLARATION OF
KATHERINE R. ROSENFELD**

KATHERINE R. ROSENFELD, an attorney duly admitted to practice in the Eastern District of New York, declares under penalty of perjury:

1. I am a partner in the firm of Emery Celli Brinckerhoff & Abady LLP (“ECBA”), attorneys for the Petitioners in this action.

2. I respectfully submit this declaration in support of Petitioners’ Motion for Preliminary Approval of the Class, and Appointment of Plaintiffs’ Counsel as Class Counsel.

3. ECBA possesses extensive experience handling class actions and complex litigation in federal courts. In a class action where ECBA served as lead counsel, one court described ECBA as “preeminent.” *Brown v. Kelly*, 244 F.R.D. 222, 233 (S.D.N.Y. 2007), *aff’d in part, vacated in part on other grounds*, 609 F.3d 467 (2d Cir. 2010). Courts have taken “judicial notice of ECBA’s high reputation, finding it to be one of the most competent, successful, and reputable civil rights firms practicing in this Court.” *Wise v. City of N.Y.*, 620 F. Supp. 2d 435, 445 (S.D.N.Y. 2008) (citation omitted); *see also id.* at 446 (noting that the Court

“has the highest regard for the abilities of the ECBA attorneys in this case”); *Vilkhu v. City of N.Y.*, No. 06 Civ. 2095, 2009 WL 1851019, at *3 (E.D.N.Y. June 26, 2009) (noting ECBA’s “collective experience [and] success rate”), *vacated on other grounds*, 372 F. App’x 222 (2d Cir. 2010); *Harvey v. Home Savers Consulting Corp.*, No. 07 Civ. 2645, 2011 WL 4377839, at *4 (E.D.N.Y. Aug. 12, 2011) (noting ECBA’s “excellent reputation”); *McBean v. City of N.Y.*, 260 F.R.D. 120, 132 n.17 (S.D.N.Y. 2009) (finding that “the services . . . provided by [ECBA] in this matter amply demonstrate counsel’s ability and determination to represent the class effectively”).

4. ECBA has served as class counsel in the following certified class actions, among others: *Nunez v. City of New York*, No. 11 Civ. 5845 (S.D.N.Y.) (certified class action alleging widespread use of excessive force by correction officers at Rikers Island); *Almendras, et al. v. Atelier Mériquet-Carrère, et al.*, No. 13 Civ. 8815 (S.D.N.Y.) (wage and hour class action settlement finally approved February 5, 2015, awarding substantial monetary relief to painters misclassified as independent contractors); *Sykes v. Mel Harris & Assocs., LLC*, 285 F.R.D. 279 (S.D.N.Y. 2012) (certifying Rule 23(b)(2) and (3) classes of persons injured by fraudulent scheme to obtain default judgments in violation of, *inter alia*, RICO and the New York Consumer Protection Act), *aff’d*, 780 F.3d 70 (2d Cir. 2015); *Dugan v. London Terrace Gardens, L.P.*, 986 N.Y.S.2d 740 (N.Y. Sup. Ct. 2013) (certifying, under state law, a class of tenants alleging that defendants charged excessive rents);¹ *Tyson v. City of N.Y.*, No. 97 Civ. 3762 (S.D.N.Y.) (class of 60,000 settled for \$50 million); *McBean*, 260 F.R.D. 120 (S.D.N.Y. 2009) (certifying Rule 23(b)(3) class of persons subjected to unlawful misdemeanor pre-trial strip search policy); *Casale v. Kelly*, 257 F.R.D. 396 (S.D.N.Y. 2009) (certifying Rule 23(b)(2) and (b)(3) classes of persons arrested for subsections of loitering statute declared unconstitutional);

¹ ECBA has also represented certified classes in several similar actions in state court. *E.g.*, *Gerard v. Clermont York Assocs. LLC*, No. 101150/2010 (N.Y. Sup. Ct.); *Casey v. Whitehouse Estates, Inc.*, No. 111723/11 (N.Y. Sup. Ct.); *Bleknep v. First New Amsterdam Realty LLC*, No. 113269/11 (N.Y. Sup. Ct.).

In re Nassau Cnty. Strip Search Cases, 461 F.3d 219 (2d Cir. 2006) (reversing and certifying Rule 23(b)(3) class of persons subjected to unlawful misdemeanor pretrial strip search policy); *D.D. v. N.Y.C. Bd. of Educ.*, No. 03 Civ. 2489, 2004 WL 633222 (E.D.N.Y. Mar. 30, 2004) (certifying Rule 23(b)(2) class of New York City preschool children seeking to enforce the Individuals with Disabilities Education Act), *vacated in part on other grounds*, 456 F.3d 503 (2d Cir. 2006); *Ingles v. City of N.Y.*, No. 01 Civ. 8279, 2003 WL 402565 (S.D.N.Y. Feb. 20, 2003) (certifying Rule 23 (b)(1) and (2) class of tens of thousands of incarcerated persons in connection with allegations of inmate abuse at Rikers Island).

5. In addition, our firm, together with the Benjamin N. Cardozo School of Law's Civil Rights Clinic and Alexander A. Reinert, is counsel in *Scott et al. v. Quay*, 1:19-cv-01075 (E.D.N.Y.), a pending putative class action involving conditions of confinement at the Metropolitan Detention Center.

6. I and other ECBA attorneys, including those who are counsel of record in this matter (O. Andrew F. Wilson, Sam Shapiro, and Scout Katovich), have represented hundreds of persons incarcerated in city, state and federal prisons regarding claims of excessive force and unconstitutional prison conditions. The firm is well-equipped to represent the class here.

Dated: April 30, 2020
New York, New York

/s/ Katherine R. Rosenfeld
KATHERINE R. ROSENFELD